

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alejandro Balazs et al.
Serial No.: 10/577,177
Confirmation No.: 4085
Filed: February 5, 2007
For: METHODS FOR PURIFYING HEMATOPOIETIC STEM CELLS
Examiner: M. K. Sgagias
Art Unit: 1632

Certificate of Electronic Filing Under 37 CFR 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: October 14, 2008


Eileen M. MacKenzie

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the restriction requirement set forth in the Office Action mailed June 19, 2008, in which the Examiner acknowledges Applicant's response filed on July 21, 2008, withdraws the previous non-final action and sets out a new restriction requirement. Applicants hereby petition for a one-month extension of time. A separate Petition for a one-month extension of time and authorization for payment of the appropriate fee are being filed concurrently.

The undersigned attorney has discussed the Office action mailed August 11, 2008 with Examiner Sgagias in two telephone calls and thanks her for the opportunity to do so. As the undersigned pointed out, the groups as they are set out in the action are unclear. For example, claims 5 and claims 12 are drawn to substantially pure populations of hematopoietic stem cells produced by the referenced method. Neither claim indicates that the cells are human, but in each group, the method of treatment referred to is described as specifying that a substantially pure

population of human hematopoietic stem cells of one the of the claims is implanted. The Examiner and the undersigned attorney agreed that Applicants would elect a group of claims, with traverse, in order to avoid the need for another extension and associated fee and that the Examiner would clarify the groups in a follow up telephone call. It is the undersigned attorney's understanding that by electing a group of claims with traverse, she is reserving the right to confirm election of the same group elected in this response or to elect a different group, if, upon clarification, it is apparent that a different group would have been elected. Applicants hereby elect, with traverse, Group I, Claims 1-5 and 13, for continued examination. In response to the two species elections, Applicants also elect, for claim 3, fluorescence-activated cell sorting and for claim 4, fetal and adult spleen and blood, in both instances, with traverse. Applicant reserves the right to make a further, different election of species, once the restriction requirement is clarified, as discussed above.

Having made the election, Applicant expressly reserves the right to file one or more continuing applications on the subject matter of the non-elected claims.

If there is a fee occasioned by this response, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 23/2825, under Docket No. C1233.70001US01.

Dated: October 14, 2008

Respectfully submitted,

By Patricia Granahan
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